#### Agency Purpose

he attorney general is the chief legal officer for the state. The duties of the office arise from the Constitution, state statutes, and common law. Every board, commission, and agency of the state of Minnesota receives legal counsel and representation in the courts by the attorney general. The attorney general also acts in a parens patrie capacity on behalf of the people of the state. Minnesota's attorney general is elected by the state's voters and serves a four-year term.

#### **Core Functions**

The attorney general has jurisdiction to:

- provide legal representation for state agencies;
- prosecute criminal actions at the request of local prosecutors;
- initiate legal actions to enforce civil laws; and
- provide education, information, and mediation to agencies and citizens of the state.

#### **Operations**

The Attorney General's Office (AGO) is divided into four sections, each headed by a deputy attorney general, and an administrative support section. Sections are divided into divisions specializing in fields such as trial, health, transportation, consumer protection, antitrust, finance, human services, agriculture, environment, utilities, public safety, and occupational licensing. As of 6/30/2006, the office has 358 full-time equivalent employees.

The AGO has direct and ongoing interaction with state agencies and officials, the legislature and staff, government entities and individual citizens. Much of the work of the office involves appearances before the courts and in administrative proceedings. The attorney general's work is categorized as follows.

#### **Attorney General Representation**

- ⇒ Protecting the public from unscrupulous and incompetent licensed professionals.
- ⇒ Protecting the state's natural resources.
- ⇒ Protecting taxpayers' dollars.
- ⇒ Providing opinions on legal issues to local governments and school districts.
- ⇒ Providing legal advice and representation on matters impacting transportation, human services, the environment, agricultural matters, public safety and other topics.
- $\Rightarrow$  Representing counties in criminal matters in appellate courts.

#### **Defense of Claims**

- ⇒ Defending the state against claims and using alternative dispute resolution methods to save on legal costs.
- ⇒ Advising state agencies on legal issues to limit litigation.

#### **Citizen Protection**

- ⇒ Assisting county attorneys in prosecuting serious crimes such as murder, gang operations, drug dealing, and drunken driving.
- ⇒ Assisting county attorneys in civilly committing sexual predators.
- ⇒ Enforcing laws governing consumer protection, charities, Medicaid, anti-trust and unfair business practices.
- ⇒ Advocating interests of residential and small business utility customers before the Public Utilities Commission (PUC).

#### At A Glance

- During FY 2006, the AGO saved the state more than \$411 million in defending claims against state agencies.
- During FY 2006, the AGO recovered more than \$26 million for the state and consumers.
- During FY 2006, the AGO pursued \$32.5 million in pending penalties and judgments.
- Over 5,400 "implied consent" cases relating to drunk driving arrests were prosecuted.
- During FY 2006, the AGO civilly committed 35 sex offenders as sexually dangerous persons or sexually psychopathic personalities.

TTY:

#### **Budget**

Of the total agency request for the FY 2008-09 biennium, 65.6% comes from the General Fund; 25.1% is received from other state entities through partner agreement billings for legal services; 6.3% is received from other appropriations (Fund 171, Fund 330, and Fund 331); and 4.0% is received from federal and special revenue funds.

#### Contact

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Mike Hatch, Attorney General Phone: (651) 296-6196 Fax: (651) 297-4193

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State of Minnesota Page 2 2008-09 Biennial Budget Background 11/30/2006

	Dollars in Thousands					
	Current Forecast Base			Biennium		
	FY2006	FY2007	FY2008	FY2009	2008-09	
Direct Appropriations by Fund						
General						
Current Appropriation	22,745	22,769	22,769	22,769	45,538	
Forecast Base	22,745	22,769	22,769	22,769	45,538	
Change	•	0	0	0	0	
% Biennial Change from 2006-07					0.1%	
State Government Spec Revenue						
Current Appropriation	1,778	1,794	1,794	1,794	3,588	
Forecast Base	1,778	1,794	1,719	1,724	3,443	
Change		0	(75)	(70)	(145)	
% Biennial Change from 2006-07					-3.6%	
Environmental						
Current Appropriation	145	145	145	145	290	
Forecast Base	145	145	145	145	290	
Change		0	0	0	0	
% Biennial Change from 2006-07					0%	
Remediation Fund						
Current Appropriation	484	484	484	484	968	
Forecast Base	484	484	250	250	500	
Change % Biennial Change from 2006-07		0	(234)	(234)	(468) -48.3%	
Expenditures by Fund Direct Appropriations						
General	24,657	29,546	22,769	22,769	45,538	
State Government Spec Revenue	2,380	2,748	1,719	1,724	3,443	
Environmental	17	145	145	145	290	
Remediation Fund	126	484	250	250	500	
Statutory Appropriations		<b>5 7</b> 40			44.404	
General	5,335	5,746	5,717	5,717	11,434	
Misc Special Revenue	203	193	138	138	276	
Federal Miscellaneous Agency	1,056 892	1,301 66	1,301 60	1,301 60	2,602 120	
Total	34,666	40,229	32,099	32,104	64,203	
Expenditures by Category		· •				
	29,193	33,759	29,187	29,192	58,379	
Total Compensation Other Operating Expenses	5,473	6,470	6,202	6,202	12,404	
Transfers	5,473 0	·				
Total	34,666	4 <b>0,229</b>	(3,290) <b>32,099</b>	(3,290) <b>32,104</b>	(6,580) <b>64,203</b>	
Expenditures by Program		I				
Attorney General	34,666	40,229	32,099	32,104	64,203	
Total	34,666	40,229	32,099	32,104	64,203	
Full-Time Equivalents (FTE)	353.3	357.7	357.7	357.7		

Program: ATTORNEY GENERAL

**Program Summary** 

	Dollars in Thousands					
	Current Fo		Forecas	t Base	Biennium	
	FY2006	FY2007	FY2008	FY2009	2008-09	
Expenditures by Fund						
Direct Appropriations						
General	24,657	29,546	22,769	22,769	45,538	
State Government Spec Revenue	2,380	2,748	1,719	1,724	3,443	
Environmental	17	145	145	145	290	
Remediation Fund	126	484	250	250	500	
Statutory Appropriations						
General	5,335	5,746	5,717	5,717	11,434	
Misc Special Revenue	203	193	138	138	276	
Federal	1,056	1,301	1,301	1,301	2,602	
Miscellaneous Agency	892	66	60	60	120	
Total	34,666	40,229	32,099	32,104	64,203	
Expenditures by Category		Ĭ				
Total Compensation	29,193	33,759	29,187	29,192	58,379	
Other Operating Expenses	5,473	6,470	6,202	6,202	12,404	
Transfers	0	0	(3,290)	(3,290)	(6,580)	
Total	34,666	40,229	32,099	32,104	64,203	
Expenditures by Activity		Ĭ				
Government Operations	6,611	8,436	4,726	4,726	9,452	
Government Regulation	7,306	8,840	6,701	6,706	13,407	
Solicitor General	10,014	10,467	8,920	8,920	17,840	
Government Services	5,584	5,945	5,266	5,266	10,532	
Administration	5,151	6,541	6,486	6,486	12,972	
Total	34,666	40,229	32,099	32,104	64,203	
Full-Time Equivalents (FTE)	353.3	357.7	357.7	357.7		

Program: ATTORNEY GENERAL

Activity: GOVERNMENT OPERATIONS

Narrative

#### **Activity Description**

Provide a wide range of cost-effective, efficient legal services to state agencies.

#### **Population Served**

- ♦ Department of Agriculture
- ♦ Department of Natural Resources (DNR)
- ♦ Department of Human Rights
- Department of Human Services
- ♦ Department of Finance
- ♦ Department of Administration
- ♦ State boards (non-health professions)
- Department of Corrections
- ♦ Department of Transportation (DOT)
- Department of Commerce (utilities issues)
- Department of Labor and Industry
- ♦ Department of Employment and Economic Development
- State Board of Investment
- ♦ Housing Finance Agency
- ♦ Teachers Retirement Association
- ♦ Minnesota State Retirement System
- ♦ Public Utilities Commission
- ♦ Department of Military Affairs

#### **Services Provided**

- Expert legal advice and representation to state agencies.
- ♦ Mediates and litigates human rights cases.
- Litigates workers compensation and public employee pension cases.
- Defends state agencies against litigation brought by various parties.
- Negotiates settlements in lawsuits brought against state agencies when warranted.
- Represents the state in prisoner litigation.
- Provides eminent domain representation to the DOT
- Provides representation for Department of Commerce on behalf of utility ratepayers before the Public Utilities Commission.
- Litigates OSHA workplace safety cases.
- ♦ Represents state boards in disciplinary proceedings.

#### **Historical Perspective**

- ⇒ Provided legal support to the DNR in the area of ecological services, enforcement, fish, forestry, Indian law issues, minerals, real estate acquisitions, and real estate land exchange.
- ⇒ During FY 2006, the Attorney General Office (AGO) provided legal advice including drafting, review of and approval of, approximately 97 DNR real estate transactions involving over 17,171 acres of land.
- ⇒ Obtained compensatory relief for Minnesota citizens in the amount of \$1,922,200 resulting from claims of discrimination filed with the Department of Human Rights.
- Represented the Department of Human Services on issues involving public assistance, child support, licensing, health care, child welfare, and mental health. Defended Department in a number of legal actions challenging recent policy changes in public assistance and health care. Handled a large volume of licensing litigation under new licensing statutes that became effective in calendar years 2003 and 2004.

#### **Activity at a Glance**

Provide expert legal advice and representation to state agencies

Program: ATTORNEY GENERAL

Activity: GOVERNMENT OPERATIONS Narrative

- ⇒ Facilitated over \$1.6 billion in bond issuance for state agencies in FY 2006.
- ⇒ Defended the state in litigation over contract and lease issues and data practices challenges.
- ⇒ Litigated eminent domain actions and appeals.
- ⇒ Represented DOT in its statutory prevailing wage enforcement responsibilities.

#### **Key Measures**

- ♦ Claims brought against the state are defended.
- ♦ Interests of state agencies are advanced.
- Litigation brought by prisoners in correctional facilities is defended successfully.
- The AGO provides quality advice regarding the legal aspects of state transportation projects.

#### **Contact**

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Program: ATTORNEY GENERAL

Activity: GOVERNMENT OPERATIONS

	Dollars in Thousands					
	Cur	Current		Forecast Base		
	FY2006	FY2007	FY2008	FY2009	2008-09	
Expenditures by Fund						
Direct Appropriations						
General	3,844	5,745	2,035	2,035	4,070	
Statutory Appropriations						
General	2,767	2,691	2,691	2,691	5,382	
Total	6,611	8,436	4,726	4,726	9,452	
Expenditures by Category				;		
Total Compensation	6,482	8,296	6,922	6,922	13,844	
Other Operating Expenses	129	140	140	140	280	
Transfers	0	0	(2,336)	(2,336)	(4,672)	
Total	6,611	8,436	4,726	4,726	9,452	
Full-Time Equivalents (FTE)	74.7	73.8	73.8	73.8		

Program: ATTORNEY GENERAL

Activity: GOVERNMENT REGULATION

Narrative

#### **Activity Description**

Provide a wide range of legal services to state agencies and citizens of Minnesota.

#### **Population Served**

- ♦ Pollution Control Agency
- Department of Health
- Board of Medical Practice
- Health-related Licensing Boards
- Citizens and businesses.

#### **Activity at a Glance**

- Provides legal services to state agencies
- Litigates on behalf of the state

#### **Services Provided**

- Provides client advice and legal representation to state agencies in the application and enforcement of state laws.
- Assists client agencies to recover fines, penalties and restitution.
- Provides client defense in suits brought against state agencies.
- Provides investigative services to health-related licensing boards.
- Investigates and, when appropriate initiates legal action against persons engaged in anticompetitive conduct as well as utilities engaged in unlawful conduct.
- Represents the interests of residential customers and small business in proceedings before the Public Utilities Commission.
- Register and provide oversight of charities and non-profit organizations.

#### **Historical Perspective**

- ⇒ Provided legal assistance to the Pollution Control Agency in the areas of environmental law enforcement and environmental review litigation.
- ⇒ Provided legal services to the Department of Health including the litigation of cases concerning maltreatment of vulnerable adults in nursing homes and other healthcare facilities.
- ⇒ Initiated legal action against drug manufacturers and computer memory chip manufacturers for engaging in anti-competitive and illegal acts.
- ⇒ Provided legal representation and investigative services to 15 health-related licensing boards.
- ⇒ Handled utility complaints from residential and small business consumers.
- ⇒ Represented the interests of consumers and small businesses in issues before the Public Utilities Commission, including rate increases proposed by Xcel Energy and Centerpoint Energy.
- ⇒ Defended Wireless Consumer Protection Act against challenge by the industry.
- ⇒ Maintained public registration information about over 8,000 charitable organizations, charitable trusts, and professional fundraisers.

#### **Key Measures**

- Effective and efficient legal advice is provided to state agencies.
- State agencies receive expert representation in all litigated matters.
- Investigations conducted are focused, thorough and timely.
- The rights of consumers and small businesses are protected in the purchase of and payment for services from utility companies.
- Prompt action is taken against those who engage in anti-competitive practices in the marketplace.
- Charities and non-profits registered in Minnesota comply with state law.

Program: ATTORNEY GENERAL

Activity: GOVERNMENT REGULATION Narrative

#### Contact

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Program: ATTORNEY GENERAL

Activity: GOVERNMENT REGULATION

	Dollars in Thousands						
	Current		Forecast Base		Biennium		
	FY2006	FY2007	FY2008	FY2009	2008-09		
Expenditures by Fund							
Direct Appropriations							
General	3,225	3,529	2,653	2,653	5,306		
State Government Spec Revenue	2,359	2,727	1,698	1,703	3,401		
Remediation Fund	126	484	250	250	500		
Statutory Appropriations							
General	1,596	2,100	2,100	2,100	4,200		
Total	7,306	8,840	6,701	6,706	13,407		
Expenditures by Category							
Total Compensation	6,827	8,031	7,080	7,085	14,165		
Other Operating Expenses	479	809	575	575	1,150		
Transfers	0	0	(954)	(954)	(1,908)		
Total	7,306	8,840	6,701	6,706	13,407		
Full-Time Equivalents (FTE)	82.1	87.7	87.7	87.7			

Program:ATTORNEY GENERALActivity:SOLICITOR GENERAL

Narrative

#### **Activity Description**

Assist county attorneys in prosecuting serious crime statewide. Defend felony convictions upon appeal. Obtain civil commitment of sex offenders. Criminal prosecution and civil enforcement of Medicaid Fraud violations including abuse or neglect of vulnerable adults. Enforce Minnesota consumer and nonprofit laws. Represents the department of Public Safety.

#### **Activity at a Glance**

- Handles over 5,000 implied consent cases (drunk driver license revocations) annually
- Assisted county attorneys in prosecuting serious crime

#### **Population Served**

- Department of Public Safety
- Agencies connected with gambling
- Minnesota counties
- Citizens of the state of Minnesota
- Vulnerable adults

#### **Services Provided**

- Obtains civil commitment of sex offenders under psychopathic personality and sexually dangerous person statutes.
- Assists county attorneys in prosecuting serious crime statewide.
- Handles over 5,000 implied consent cases (drunk driver license revocations) annually.
- Handles drunk-driving-related appeals of convictions.
- Provides training and prosecutorial assistance to local prosecutors throughout Minnesota.
- Defends felony convictions upon appeal.
- Enforce the state's consumer protection laws.
- Educate and advise consumers of their rights.
- ♦ Provide legal advice and representation to the department of Public Safety.

#### **Historical Perspective**

- ⇒ Represented the Public Safety Department.
- ⇒ Defended the state against challenges to DWI statutes.
- $\Rightarrow$  Handled over 5,000 district court implied consent proceedings that challenged revocations of driving privileges.
- ⇒ Handled criminal appeals for county attorneys.
- ⇒ The Attorney General Office (AGO) Medicaid Fraud Division opened 38 abuse, neglect or fraud investigations.
- ⇒ In FY 2006 the Medicaid Fraud unit recovered Medicaid funds from providers who fraudulently billed the program for services provided. Over \$2 million was recovered for Medicare and Medicaid programs.
- ⇒ The AGO's Trial Division prosecuted violent and serious crime.
- ⇒ The AGO prosecuted methamphetamine and other drug cases referred to it by county attorneys.
- ⇒ The AGO assisted county attorneys in the commitment of sexually dangerous person/sexual psychopathic personality commitment cases.
- ⇒ The AGO trained law enforcement officers and prosecutors throughout the state on law-enforcement related issues.

#### **Key Measures**

- ♦ Implied consent cases are prosecuted vigorously.
- Challenges to DWI laws are defended effectively.
- Prosecutions are successful.
- Citizens are protected from criminal activities.

# **Program**: **ATTORNEY GENERAL**Activity: SOLICITOR GENERAL

Narrative

- Vulnerable adults are protected.
- ♦ Medicaid Fraud regulations are enforced.
- Top quality prosecution resources are provided to county attorneys across the state.
- Criminal convictions are upheld.
- Respond effectively to crime growth areas.
- Minnesota's citizens are protected from wrongful acts and illegal conduct.
- Minnesota's citizens are educated about their rights and responsibilities in the marketplace.
- ♦ The department of Public Safety receives effective and efficient legal representation.

#### Contact

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## Program: ATTORNEY GENERAL

Activity: SOLICITOR GENERAL

	Dollars in Thousands						
	Current		Forecast Base		Biennium		
	FY2006	FY2007	FY2008	FY2009	2008-09		
Expenditures by Fund							
Direct Appropriations							
General	8,665	9,837	8,325	8,325	16,650		
Environmental	17	145	145	145	290		
Statutory Appropriations							
General	288	269	240	240	480		
Federal	152	150	150	150	300		
Miscellaneous Agency	892	66	60	60	120		
Total	10,014	10,467	8,920	8,920	17,840		
Expenditures by Category		Ī					
Total Compensation	8,394	9,480	7,967	7,967	15,934		
Other Operating Expenses	1,620	987	953	953	1,906		
Total	10,014	10,467	8,920	8,920	17,840		
Full-Time Equivalents (FTE)	117.7	117.5	117.5	117.5			

**Program:** ATTORNEY GENERAL Activity: GOVERNMENT SERVICES

Narrative

#### **Activity Description**

Provide a wide range of legal services to state agencies.

#### **Population Served**

- Citizens of the state
- ♦ All state agencies
- Minnesota State Colleges and Universities (MnSCU)
- ♦ Department of Education
- ♦ Department of Revenue
- Department of Employee Relations
- ♦ Public Utilities Commission (PUC)

#### **Services Provided**

- Defense of challenges to the constitutionality of Minnesota law.
- Defense of tort claims against the state and its employees.
- Defense of employment claims against the state and its employees.
- Representation of state educational agencies.
- ◆ Litigating for Public Utilities Commission (PUC).
- ♦ Tax litigation for Revenue Department.

#### **Historical Perspective**

- ⇒ Saved the state millions of dollars by its defense and resolution of tort and employment law claims.
- ⇒ Represented MnSCU's 34 colleges and universities in litigation, discrimination/harassment issues, data practices issues and technology issues.
- ⇒ Provided legal advice to department of Education regarding charter schools, special education and desegregation issues.
- ⇒ Obtained hundreds of millions of dollars of tax revenue for the department of Revenue.
- ⇒ Successfully defended state laws against constitutional attacks.
- ⇒ Obtained millions of dollars for PUC.

#### **Key Measures**

- Constitutional challenges are defended successfully.
- ♦ Tort and employment law claims brought against the state and its employer are successfully defended or settled thereby minimizing the state's fiscal and employment law exposure.
- Litigation brought against state educational institutions is defended successfully.
- The department of Revenue's interests in tax collection and tax litigation matters are represented effectively.

#### Contact

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#### **Activity at a Glance**

 Saved the state hundreds of millions of dollars by its defense and resolution of tort and employment law claims and its litigation of tax and utilities cases.

## Program: ATTORNEY GENERAL

**Activity: GOVERNMENT SERVICES** 

	Dollars in Thousands						
	Current		Forecast Base		Biennium		
	FY2006	FY2007	FY2008	FY2009	2008-09		
Expenditures by Fund							
Direct Appropriations							
General	3,985	4,097	3,418	3,418	6,836		
State Government Spec Revenue	21	21	21	21	42		
Statutory Appropriations							
General	674	676	676	676	1,352		
Federal	904	1,151	1,151	1,151	2,302		
Total	5,584	5,945	5,266	5,266	10,532		
Expenditures by Category							
Total Compensation	5,217	5,460	4,781	4,781	9,562		
Other Operating Expenses	367	485	485	485	970		
Total	5,584	5,945	5,266	5,266	10,532		
Full-Time Equivalents (FTE)	51.3	51.0	51.0	51.0			

Program: ATTORNEY GENERAL

Activity: ADMINISTRATION Narrative

#### **Activity Description**

Administrative Services provides overall administrative support to the Attorney General's Office (AGO).

#### **Population Served**

- Employees of the AGO
- ♦ State agencies and other government agencies
- Citizens of Minnesota

#### **Services Provided**

- Development and implementation of new administrative policies and procedures
- Upgrading and maintaining the AGO's systems network
- ♦ Budget development
- Purchasing
- Accounting
- Docketing/timekeeping system that provides billing information to state agencies
- ♦ Human resources services/personnel transactions

#### **Key Measures**

- ♦ Office mission is clear
- Procedures are implemented
- Budget is developed to provide funding for AGO activities
- AGO systems are up-to-date and operate efficiently
- Fiscal activities are accurate, complete and meet state standards
- Docketing/timekeeping is accurate. Invoices are produced on time
- Personnel transactions are accurate and timely

#### Contact

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Program: ATTORNEY GENERAL

Activity: ADMINISTRATION

	Dollars in Thousands					
	Cur	rent	Forecast Base		Biennium	
	FY2006	FY2007	FY2008	FY2009	2008-09	
Expenditures by Fund						
Direct Appropriations						
General	4,938	6,338	6,338	6,338	12,676	
Statutory Appropriations				·		
General	10	10	10	10	20	
Misc Special Revenue	203	193	138	138	276	
Total	5,151	6,541	6,486	6,486	12,972	
Expenditures by Category				į		
Total Compensation	2,273	2,492	2,437	2,437	4,874	
Other Operating Expenses	2,878	4,049	4,049	4,049	8,098	
Total	5,151	6,541	6,486	6,486	12,972	
Full-Time Equivalents (FTE)	27.5	27.7	27.7	27.7		

Dollars in Thousands

	Actual	Budgeted	Currer	Biennium	
	FY2006	FY2007	FY2008	FY2009	2008-09
Non Dedicated Revenue:					
Departmental Earnings (Inter-Agency):					
General	2,042	2,000	2,000	2,000	4,000
Departmental Earnings:					
General	466	465	465	465	930
Other Revenues:					
General	987	780	780	780	1,560
Total Non-Dedicated Receipts	3,495	3,245	3,245	3,245	6,490
<u>Dedicated Receipts:</u>					
Departmental Earnings (Inter-Agency):					
General	5,304	5,707	5,707	5,707	11,414
Grants:					
Federal	1,056	1,301	1,301	1,301	2,602
Other Revenues:					
General	0	5	0	0	0
Misc Special Revenue	156	149	138	138	276
Miscellaneous Agency	3,442	105	73	73	146
Other Sources:					
General	10	10	10	10	20
Miscellaneous Agency	37	0	0	0	0
Total Dedicated Receipts	10,005	7,277	7,229	7,229	14,458
Agency Total Revenue	13,500	10,522	10,474	10,474	20,948